

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1046

Hayad Ahmed Guure; Salma Ciise
Liban; Yahia Ciise Liban; Zubeer
Ciise Liban,

Petitioners,

v.

Eric H. Holder, Jr.,¹ Attorney General
of the United States,

Respondent.

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* Petition for Review of
* an Order of the Board
* of Immigration Appeals.

* [UNPUBLISHED]
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Submitted: June 4, 2009
Filed: June 8, 2009

Before RILEY, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Hayad Ahmed Guure and her children petition for review of an order of the Board of Immigration Appeals (BIA) denying their motion to reopen. In particular, petitioners challenge the BIA's refusal to reopen sua sponte the removal proceedings,

¹Eric H. Holder, Jr., has been appointed to serve as Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

so that petitioners could reapply for asylum on the basis of female genital mutilation. We lack jurisdiction, however, to review a BIA's decision not to invoke its sua sponte authority to reopen removal proceedings. See Tamenut v. Mukasey, 521 F.3d 1000, 1001, 1004-05 (8th Cir. 2008) (en banc) (per curiam).²

Accordingly, we deny the petition.

²To the extent petitioners intended to challenge the remainder of the BIA's decision denying the motion to reopen, we agree with the BIA that the motion was untimely, and petitioners failed to show they met any exception to the time limitation. See 8 U.S.C. § 1229a(c)(7)(C)(i) (time limitation); 8 C.F.R. § 1003.2(c)(3) (exceptions); Ghasemimehr v. Gonzales, 427 F.3d 1160, 1162-63 (8th Cir. 2005) (per curiam) (BIA did not abuse its discretion in denying untimely motion to reopen).